

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STEVEN LOUIS FRANK, et al.,

Case No. 1:12-cv-812

Petitioners,

Beckwith, J.
Bowman, M.J.

v.

MARK BOCKENSTETTE, et al.,

Respondents.

REPORT AND RECOMMENDATION

On October 19, 2012, Steven Louis Frank (“Frank”), Michael A. Curley, Sr. (“Curley”) and Andrew J. Moro (“Moro”), through counsel, collectively filed this action in order to seek the entry of an Order confirming a stipulated award of the arbitration panel (the “Panel”) in the Matter of the Arbitration Between Mark and Mary Kay Bockenstette v. Steven Louis Frank, Michael A. Curley, Sr., Andrew J. Moro and Wells Fargo Advisors, LLC, f/k/a Wachovia Securities, LLC, FINRA Case No. 10-05647, which award was signed by the Panel on July 17, 2012 (the “Award”). As reflected in Petitioners’ motion,¹ the Award recommends the expungement of all references to the arbitration from the records of Frank, Curley, and Moro, as those records are maintained by the Central Registration Depository (the “CRD”). (Doc. 1). The motion

¹No formal complaint was filed to initiate this action. A full filing fee was paid, but this action was opened as a new case based solely upon the filing of a motion. Although Frank, Curley and Moro were originally listed as Respondents both in the matter before the Panel, and in the corresponding Award, the same parties are listed as “Petitioners” on the docket sheet of the action now pending before this Court.

for summary confirmation of the stipulated FINRA Arbitration Award is supported by appropriate case and statutory authority, as well as by a copy of the Award and a copy of a September 7, 2012 letter from FINRA, waiving the obligation under FINRA Rule 2080 to name FINRA as a party to this federal court action.

On October 23, 2012, this case was referred to the undersigned magistrate judge. On October 25, 2012, the undersigned granted Petitioners' motion for service of process by the United States Marshal (Doc. 4). Summons forms were recently returned as executed as to both Mark and Mary Kay Bockenstette, both of whom were required to answer or respond by February 5, 2013. Not surprisingly in light of their prior settlement of this matter and agreement to the proposed expungement Order, neither Mark nor Mary Kay Bockenstette has timely filed any response.

Accordingly, **IT IS RECOMMENDED THAT:**

1. Petitioners' motion for relief (Doc. 1) be **GRANTED IN FULL**, and that this Court enter an Order summarily confirming the Stipulated FINRA Arbitration Award, including expungement of all references to the underlying arbitration proceedings from the Petitioners' registration records, as maintained by the CRD.

2. That upon entry of the referenced Order, this case be CLOSED.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P 72(b), any party may serve and file specific, written objections to this Report and Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).